

Steven L. Weinstein  
steveattorney@comcast.net  
P.O. Box 27414  
Oakland, CA 94602  
Tel: (510) 336-2181

Patrick H. Peluso  
ppeluso@woodrowpeluso.com\*  
Taylor T. Smith  
tsmith@woodrowpeluso.com\*  
**WOODROW & PELUSO, LLC**  
3900 East Mexico Ave., Suite 300  
Denver, Colorado 80210  
Telephone: (720) 213-0675  
Facsimile: (303) 927-0809

*\*Pro Hac Vice*

*Attorneys for Plaintiff and the Classes*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

**ABANTE ROOTER AND PLUMBING,  
INC.**, individually and on behalf of all others  
similarly situated,

Plaintiff,

v.

**UNLOCKED BUSINESS STRATEGIES,  
INC.** a New York corporation, **THOMAS R.  
COSTA**, an individual, and **MERCHANT  
INDUSTRY, LLC d/b/a SWIPE4FREE**, a  
New York limited liability company,

Defendants.

Case No. 4:19-cv-07966-JST

**CASE MANAGEMENT STATEMENT**

Judge: Hon. Jon S. Tigar

Plaintiff Abante Rooter and Plumbing, Inc. (“Plaintiff” or “Abante”)<sup>1</sup> submits this Joint Case Management Statement pursuant to the Court’s October 27, 2020 Order (dkt. 59) and states as follows:

**1. Status of Discovery**

<sup>1</sup> In light of the parties’ settlement, Merchant Industry did not participate in this case management statement. Defendants Unlocked Business Strategies, Inc and Thomas R. Costa have yet to appear in this case.

*Plaintiff's Position:* On November 12, 2020, Plaintiff served its first set of discovery on Merchant Industry, including interrogatories and requests for production. On November 20, 2020, counsel for Defendants Unlocked Business Strategies, Inc. ("UBS") and Thomas R. Costa ("Costa") identified Leonid Levitt, MLL Marketing, Inc., and Gurland Corp. as additional entities were involved with the marketing of Merchant Industry's products and services. According to UBS and Costa, MLL Marketing, Inc. had a direct agreement with Merchant Industry. Five days later, on November 25, 2020, Plaintiff served its second set of discovery requests tailored to this new information. On December 14, 2020, Merchant Industry served its objection and responses to Plaintiff's first set of discovery requests. Merchant Industry declined to provide responses to any of Plaintiff's requests while its motion to dismiss for lack of jurisdiction remains pending. On December 17, 2020, Merchant Industry served its objections and responses to Plaintiff's second set of discovery requests and again declined to respond to the requests.

On December 11, 2020, Plaintiff issued subpoenas directed to Leonid Levit, MLL Marketing, Inc., and Gurland Corp. On January 7, 2021, Leonid Levit of MLL Marketing, Inc. contacted Plaintiff's counsel to request additional time to respond. On January 15, 2021, MLL Marketing and Mr. Levit produced a series of emails and documents related to UBS, Costa, Gurland Corp., and Merchant Industry. Plaintiff has not received a response to the subpoena directed to Gurland Corp.

## **2. Other Matters**

In light of the settlement reached with Merchant Industry, Plaintiff plans to seek default judgments against UBS and Costa on a class-wide basis. To streamline this process, Plaintiff requests that the Court enter a scheduling order permitting Plaintiff to conduct limited discovery for a period of 120-days. This period will permit Plaintiff time to enforce the Gurland subpoena and issue any additional subpoenas that may be necessary.

**ABANTE ROOTER AND PLUMBING, INC.,**  
individually and on behalf of all others similarly  
situated,

1 Date: March 17, 2021

2 By: /s/ Taylor T. Smith  
One of Plaintiff's Attorneys

3 Steven L. Weinstein  
4 steveattorney@comcast.net  
5 P.O. Box 27414  
6 Oakland, CA 94602  
7 Tel: (510) 336-2181

8 Patrick H. Peluso  
9 ppeluso@woodrowpeluso.com\*  
10 Taylor T. Smith  
11 tsmith@woodrowpeluso.com\*  
12 Woodrow & Peluso, LLC  
13 3900 East Mexico Ave., Suite 300  
14 Denver, Colorado 80210  
15 Telephone: (720) 213-0675  
16 Facsimile: (303) 927-0809

17 *Attorneys for Plaintiff and the Class*

18 **CERTIFICATE OF SERVICE**

19 The undersigned hereby certifies that a true and correct copy of the above titled document  
20 was served upon counsel of record by filing such papers via the Court's ECF system on March  
21 17, 2021.

22 /s/ Taylor T. Smith  
23  
24  
25  
26  
27  
28